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Complaint Form, Consent Form, and Complaint Processing Procedures

DISCRIMINATION COMPLAINT FORM
to the
United States Department of Education
Office for Civil Rights

1. Name of person filing this complaint:

Last Name, First, Middle	<u>Swain, Lauren</u>
Address:	<u>8532 N. Ivanhoe St., #208</u>
City, State, Zip Code:	<u>Portland, OR 97203</u>
Home/Work Telephone:	
Email Address:	<u>lauren@paulsouthwick.com</u>

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

Last Name, First, Middle	<u>Wojnarowisch, Audrey</u>
Address:	
City, State, Zip Code:	
Home/Work Telephone:	
Email Address:	

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution:	<u>George Fox University</u>
Address:	<u>414 N. Meridian St.</u>
City, State, Zip Code:	<u>Newberg, OR, 97132</u>
Department/School:	

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

- ☐ Discrimination **based on sex (specify)**

Discrimination on the basis of sexual orientation and gender identity

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5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

George Fox has vague policies implying that behavior reflecting LGBT identity is not permissible on campus. Due to fear of being punished for their sexual orientation, Audrey hesitated to report that they were stalked and sexually assaulted by another student on campus. After Audrey reported the assault to a resident assistant, Audrey was told that the Area Coordinator would file a Title IX complaint on their behalf, but the coordinator never filed it. Audrey had to continue attending school with their assailant. After a fellow student came out on campus very publicly in 2019, Audrey and other students followed by coming out as LGBT. Soon, the president of student government issued a statement in support of LGBTQ students. However, after several weeks, George Fox President Robin Baker issued a statement that the university prohibits same-sex marriage and all sexual conduct outside of heterosexual marriage, putting Audrey and others who came out at the risk of discipline and exclusion. Please see attached declaration.

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

X I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

- 1) the Covid-19 pandemic;
- 2) The Trump administration's policies and statements about religious exemptions to Title IX;
- 3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.
- 4) Although the initial act of discrimination took place more than 180 days ago, Audrey's complaint should not be considered time-barred because George Fox continues to discriminate against Audrey and to promulgate policies and practices that discriminate against LGBTQ+ students.

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8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

Yes

If you answered **yes**, please describe the allegations in your grievance or hearing, identify the date you filed it, and tell us the status. If possible, please provide us with a copy of your grievance or appeal or due process request and, if completed, the decision in the matter.

See attached declaration.

9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: U.S. District Court - District of Oregon - Eugene Division

Date Filed: 03/29/21

Case Number or Reference: 6:21-cv-00474-AA

Results of Investigations/Findings by Agency or Court: Pending

10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Prevent conflicts of interest by separating Title IX officer positions from administrative positions involved in enforcing student codes of conduct/honor code and prevent the sharing of information from Title IX office to administrative offices involved in enforcing student codes of conduct/honor code.

Audrey would also like George Fox's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by George Fox in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) George Fox will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual

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activity or other code of conduct violations; and (5) George Fox's non-
discrimination policy includes sexual orientation and gender identity as applied to
all aspects of George Fox, including housing and other programs.

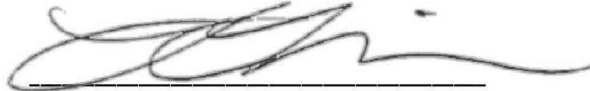
12. We cannot accept your complaint if it has not been signed. Please sign and date
your complaint below.

07/24/21

(Date)

Jul 24, 2021

(Date)



(Signature)



Audrey Wojnarowicz (Jul 24, 2021 21:05 PDT)

(Signature of person in Item 2)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of)
themselves and all others similarly situated,)
) Civil Action No. 6:21-cv-00474-
) AA
) Plaintiffs,)
) v.)
) **DECLARATION OF AUDREY**
) **WOJNAROWISCH**
) U.S. DEPARTMENT OF EDUCATION and)
) Suzanne GOLDBERG, in her official capacity as)
) Acting Assistant Secretary for Civil Rights,)
) U.S. Department of Education,)
) Defendants.)

I, Audrey Wojnarowisch, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am a resident of Newberg, Oregon, located in Yamhill County.
3. I started attending George Fox University in Newberg, Oregon in August 2018. I expect to graduate in May 2022 with a degree in English and Sociology.
4. I took out student loans from the U.S. Department of Education to study at George Fox.
5. I chose George Fox University because, at the time, it was important for me to be close to my family. I did not want to move out of state.
6. I felt most comfortable attending a small university and I was excited to see the Christian culture on campus. I appreciated the intimate, "Be Known" promise of a community that would see who I am and care for me as an individual.
7. George Fox has a "Lifestyle Statement" which states, "Our lifestyle excludes immoral practices and calls us to transformed living as we "offer [our] bodies as living sacrifices" to God (Romans 12:1-2). In regard to sexual morality, we believe that only marriage between a man and a woman is God's intention for the joyful fulfillment of sexual intimacy. This should always be in the context of mutual compassion, love, and fidelity. Sexual behaviors outside of this context are inconsistent with God's teaching. We recognize these principles may conflict with the practice or opinion of some within the larger culture. We are convinced that this is God's design for providing the most loving guidance and practice for individuals and our community."
8. The school also has a student handbook with an extensive Sexuality and Relationships section. It states that "George Fox University accepts the biblical standards that prohibit all sexual immorality." It later goes on to say, "we believe the power of God and the

wisdom of the Holy Spirit combine to provide the means to live victoriously with respect to sexual purity.”

9. There are no explicit prohibitions on same-sex dating or displays of affection but it is unclear what counts as “sexual immorality” and same-sex relationships of any kind, dating, marriage or otherwise, are never affirmed by the university. The vague policy pronouncements make it difficult for LGBTQ+ student to navigate their relationships and make it unpredictable as to how any particular administrator, professor or student will, or will be expected, to respond.
10. I am bisexual and non-binary. My pronouns are she/they.
11. I did not start questioning my sexuality or gender identity until I was already at George Fox.
12. It was not until my Sophomore year, that I really started to embrace my sexual identity.
13. My coming out was prompted by the coming out of another gay student on campus. He came out to the entire student body during a lip sync performance for our annual talent show. His performance, and the student body’s reaction, was electric and joyous.
14. Campus felt safe for me, more than it ever had before. I felt known. I felt accepted. I felt at peace with all the different parts of myself.
15. I came out of the closet as bisexual because of this student’s bravery and the student body’s welcoming embrace of him as a gay man.
16. A social movement erupted on campus because of this event and a subcommittee of student government was formed to address LGBTQ+ issues.
17. The president of student government issued a campus-wide statement supporting and affirming LGBTQ+ students. This was the first affirming statement I heard from the George Fox community. It felt so validating.
18. However, the George Fox administration soon issued its own response. President Robin Baker, the president of George Fox, responded to this outpouring of support for the gay student by reminding the entire campus community of the university’s stance on marriage and sexuality, which prohibits same-sex marriage and all sexual conduct outside of heterosexual marriage.
19. I expected this kind of a response from the university but other LGBTQ+ students were more surprised and really hurt by it. It felt like a slap in the face.
20. Town halls and other meetings were held on campus. LGBTQ+ students expressed how they felt unsafe going to campus counselling services or talking with their RAs about their sexuality or gender identity, as well as other fears.

21. Several LGBTQ+ students, myself included, were asked to speak to George Fox leaders, most of whom we had never seen or met before.
22. During one of these meetings, the head of the theology department asked me: "If you knew that George Fox's policies on marriage and sexuality were never going to change, would you still have enrolled here?" This was a scary question to be asked and it was unclear what the purpose of that question was.
23. At another meeting, a transgender student was asked to defend his use of masculine pronouns.
24. George Fox then had straight students go through the same meetings and explain why they defended the school's current policies. This was hard to listen to after having just made ourselves vulnerable while pleading for our identities to be respected.
25. None of us went to class the next day. We were emotionally drained.
26. Having supportive faculty members helps us feel less alone on campus. And there are many supportive professors at George Fox. However, my affirming professors are worried that they will be fired for supporting LGBTQ+ students, so they cannot fully support us.
27. Unfortunately, the health and counselling center is not a safe space for us. LGBTQ+ students and identities are controversial topics on campus. People are scared of interacting with us, even at the counselling center, because they are also subject to George Fox's policies.
28. The school's policies affect me and my brain. They affect my development and my family. They also prevent me from getting the mental health and mentoring support that I need.
29. We need George Fox to acknowledge our existence, affirm our identities and stop policing our relationships and bodies.
30. There is nothing in the health and counselling center that says we won't be discriminated against for our sexuality or gender identity.
31. There are not enough LGBTQ+ students out on campus. They are here but it doesn't feel safe for them to come out.
32. For example, some students ask to be moved out of their dorms if they are rooming with an LGBTQ+ person. It hurts to know that you can be seen as someone who is dangerous.
33. As another example, LGBTQ+ students who are RAs are put in impossible situations. When you are an RA on campus, you open yourself up to be in leadership over students with all kinds of beliefs and viewpoints. However, if your identity is considered divisive, you have to be quiet, or, if you make it known, you open yourself up to being criticized

and rejected. As a specific example, a lesbian RA had one of the students leave her dorm because she didn't want to be in a dorm with a lesbian.

34. I do not feel safe on campus. My needs and the needs of my fellow queer classmates are constantly being ignored and minimized.
35. I have been part of numerous task forces, subcommittee meetings, town halls and round table discussions specifically to communicate with the school administration about the ways our campus is unsafe for queer students. They have failed us every, single, time.
36. When we are given opportunities to share grievances, it always feels like they are attempting to quiet student concern with tokenism.
37. The school's policies and approach to LGBTQ+ students make me feel marginalized, pushed aside, and erased. It affects my college experience on every level. It affects my performance in the classroom, where professors teach that straight marriage is the foundation of God's social order. It affects my experience with potential mentors in my department, where professors preach that queer identities are fundamentally at odds with the Christian faith. It affects my experience in chapel, where I am alienated from worship spaces. It affects my experience with my peers, who are allowed to treat me as an outsider.
38. Marginalization is both a condition and a process that prevents flourishing. I am prevented from enjoying things that my cishet fellow students are allowed to participate in. The psychosocial effects of marginalization are impossible for my queer students and I to escape.
39. We are not allowed to exist without being politicized.
40. I have experienced depression and anxiety as a direct result of the homophobic culture at George Fox.
41. When I got to campus, I was looking for people like me. The first group of LGBTQ+ people I met was not safe. This is fairly common because we were hurt and rejected by our families. When you put broken people together, that sometimes ends poorly.
42. Freshman year I was stalked by a student who followed me everywhere and sent me hundreds of text messages.
43. The stalking eventually led to a sexual assault. This made me feel ostracized by the LGBTQ+ community that I found, because they were part of this community. Reporting or talking about the assault, would out my sexuality to the university, which would put me at risk with the school.
44. I decided to report the stalking and assault to my resident advisor. My resident advisor informed the Area Coordinator. The Area Coordinator was supposed to file a Title IX complaint but they never filed a complaint.

45. I asked my RA to keep my sexuality confidential so that I wouldn't lose friends or get in trouble with the school. My RA did not know how to handle my sexuality or how to care for me.
46. Because George Fox did nothing to help me, I had to figure out how to handle this as an 18 year-old-freshman, who was unfamiliar with sex and dating, all on my own. I did not know what to do.
47. I told the women who assaulted me that she couldn't speak to me alone anymore and that we could be pleasant to each other socially but we couldn't be friends.
48. I had to live close to this person and go to class with this person for the rest of the year. The assault and lack of protection affects me to this day.
49. Because I had no support from the outside, it would not have been good for me to tell people this woman had assaulted me, because I would have been demonized by all sides.
50. I was raised in purity culture. I was not taught about consent. We are not taught how to pursue someone you want to be with. This is even harder when you are queer because we don't have models or examples of how to date or approach sex. It is harder still when your campus environment demonizes sex and queerness. We are not taught consent because we are taught not to have sex and especially not queer sex.
51. Eventually, during my Sophomore year, I found a different, supportive and safe group of queer students. We help each other feel less alone.
52. I want George Fox's policies to change so that I won't be at risk of discipline for my identity or relationships and so I, and other LGBTQ+ students, will be protected if we experience unsafe situations, harassment or violence.
53. I am also concerned about my future career opportunities because of my school's views. I am working towards a degree in social justice and community development while being taught that LGBTQ+ people should not be treated equally. I do not believe my University has adequately prepared me to serve my community. And why would a future employer?
54. I am participating in this case because I do not want to be erased. The history and experience of LGBTQ people is constantly being covered up by George Fox and similar institutions. We matter. We deserve to be seen. We deserve safety and respect.
55. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 23rd day of March, 2021.

By Audrey Wojnarowisch
Audrey Wojnarowisch (Mar 25, 2021 16:28 PDT)
Audrey Wojnarowisch






Audrey Wojnarowisch Declaration

Final Audit Report

2021-03-25

Created:	2021-03-25
By:	Lauren Swain (lauren@paulsouthwick.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3a1HR1PcqSeGMrMZy7HvZw5lBtX1O2tW

"Audrey Wojnarowisch Declaration" History

-  Document created by Lauren Swain (lauren@paulsouthwick.com)
2021-03-25 - 11:22:31 PM GMT - IP address: 73.169.43.135
-  Document emailed to Audrey Wojnarowisch (audreywojnarowisch@gmail.com) for signature
2021-03-25 - 11:22:57 PM GMT
-  Email viewed by Audrey Wojnarowisch (audreywojnarowisch@gmail.com)
2021-03-25 - 11:27:04 PM GMT - IP address: 74.125.209.45
-  Document e-signed by Audrey Wojnarowisch (audreywojnarowisch@gmail.com)
Signature Date: 2021-03-25 - 11:28:21 PM GMT - Time Source: server- IP address: 50.39.157.145
-  Agreement completed.
2021-03-25 - 11:28:21 PM GMT